

Amendment and Response  
Applicant: Spann  
Serial No.: 09/757,255  
Filed: January 9, 2001

In the Claims

Please cancel nonelected claims 1-23, as well as claim 27, without prejudice. Applicant has no intention of abandoning the subject matter of these claims and reserves the right to pursue claims of the same, lesser, or greater scope in the future.

Please amend claims 24, 26, 28, and 39-42 as set forth in the attached listing of all pending claims, submitted in a revised format in accordance with the Notice published in the Official Gazette on February 25, 2003.

REMARKS

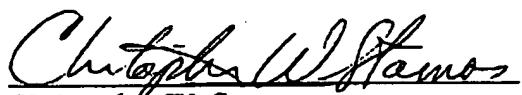
The undersigned attorney thanks Examiner Novosad for her time and courtesy extended during a telephonic interview with him and Applicant on March 26, 2003. Applicant respectfully submits that the agreed-upon amendments introduced herein overcome all bases of objection and rejection, and place this application in condition for allowance. No new matter is being entered thereby.

CONCLUSION

On the basis of the foregoing amendments, Applicant submits the claims 24-26 and 28-42 are in condition for allowance and respectfully requests that the application now proceed to issue.

Applicant believes that no extension of time or other fee is required for this paper to be entered and considered. Please consider this a conditional petition for the proper extension, if one is required, and a conditional authorization to charge any related extension or other fees necessary for entry of this paper to Deposit Account No. 20-0531.

Respectfully submitted,

  
Christopher W. Stamos  
Attorney for Applicant  
Reg. No. 35,370

Date: March 31, 2003

Testa, Hurwitz, & Thibeault, LLP  
125 High Street  
Boston, MA 02110  
Tel. No. (617) 248-7026  
Fax No. (617) 248-7100

2602034

**Amendment and Response**

Applicant: Spann

Serial No.: 09/757,255

Filed: January 9, 2001

**MARKED-UP VERSION OF THE TITLE**

Dual Rail Tool Holder

## Amendment and Response

Applicant: Spann

Serial No.: 09/757,255

Filed: January 9, 2001

**MARKED-UP VERSION OF THE ABSTRACT**

A dual rail tool holder[, which] may be used to store and organize garden and lawn tools with long handles in an inverted position, as well as to store and organize accessories[, is provided]. The tool holder consists of a first rail and a second rail, that are vertically and horizontally offset from each other forming an opening therebetween[ for receiving an elongate member in a generally vertical orientation]. Ends of tool handles are inserted in the opening between the rails and are stored in a generally vertical orientation.

## Amendment and Response

Applicant: Spann

Serial No.: 09/757,255

Filed: January 9, 2001

## COMPLETE LISTING OF ALL PENDING CLAIMS

1. (Cancelled).
2. (Cancelled).
3. (Cancelled).
4. (Cancelled).
5. (Cancelled).
6. (Cancelled).
7. (Cancelled).
8. (Cancelled).
9. (Cancelled).
10. (Cancelled).
11. (Cancelled).
12. (Cancelled).
13. (Cancelled).
14. (Cancelled).
15. (Cancelled).
16. (Cancelled).
17. (Cancelled).
18. (Cancelled).
19. (Cancelled).
20. (Cancelled).
21. (Cancelled).
22. (Cancelled).
23. (Cancelled).

## Amendment and Response

Applicant: Spann

Serial No.: 09/757,255

Filed: January 9, 2001

*JKW Cor*

*range of motion*

*30*

24. (Currently Amended) A tool holding device comprising a first rail and a second rail vertically and horizontally offset from each other thereby forming an opening therebetween for receiving a lower end of an elongate member therein so that the elongate member is disposed in a generally vertical orientation therein, said tool holding device lacking means for supporting [a] the lower end of the elongate member when received between the rails.
25. (Previously Added) A device according to claim 24 wherein the rails comprise generally parallel crossbars further characterized by generally opposed edges for contacting the elongate member when inserted therebetween.
26. (Currently Amended) A device according to claim 25 further characterized by at least one depression formed in at least one of the crossbars along the opposed edges in the crossbars.
27. (Cancelled)
28. (Currently Amended) A device according to claim [27]26 wherein [the] two depressions are formed in [both of] the crossbars along the opposed edges thereof, and are generally aligned, thereby restricting movement of the elongate member when disposed therein.
29. (Previously Added) A device according to claim 25 further comprising two end plates attached to side edges of the crossbars, whereby the end plates and the crossbars form a stable structure.
30. (Previously Added) A device according to claim 29 wherein outward extents of the end plates define a footprint and wherein a vertical projection through a center of gravity of an elongate member inserted between the crossbars lies within the footprint.
31. (Previously Added) A device according to claim 24 further comprising at least one elongate member inserted between the rails, the elongate member including a support for supporting an item thereon.
32. (Previously Added) A device according to claim 31 further comprising a shelf disposed on the support.

## Amendment and Response

Applicant: Spann  
Serial No.: 09/757,255  
Filed: January 9, 2001

33. (Previously Added) A device according to claim 24 wherein the first rail and the second rail comprise a first hoop and a second hoop generally concentric therewith, further wherein the first hoop and the second hoop comprise generally opposed edges for contacting the elongate member when inserted therebetween.

34. (Previously Added) A device according to claim 33 further characterized by at least one depression formed along the opposed edges in the hoops.

35. (Previously Added) A device according to claim 34 further characterized by a second depression formed along the opposed edges in the hoops.

36. (Previously Added) A device according to claim 35 wherein the depressions are formed in both of the opposed edges and are generally aligned, thereby restricting movement of the elongate member when disposed therein.

37. (Previously Added) A device according to claim 36 further comprising at least one leg attached to the hoops, thereby forming a stable structure.

38. (Previously Added) A device according to claim 37 wherein an outward extent of the at least one leg defines a footprint, wherein a vertical projection through a center of gravity of an elongate member inserted between the hoops lies within the footprint.

39. (Currently Amended) A method for storing elongate members comprising the steps of: providing a first rail and a second rail; positioning said rails vertically and horizontally offset from each other [thereby] to form[ing] an opening therebetween [for receiving an elongate member in a generally vertical orientation without providing means for supporting a lower end of the elongate member when received between the rails]; and inserting [the]a lower end of an elongate member in the opening between [the]said rails so that the elongate member is disposed in a generally vertical orientation therein without providing means for supporting the lower end of the elongate member when received between said rails.

## Amendment and Response

Applicant: Spann

Serial No.: 09/757,255

Filed: January 9, 2001

40. (Currently Amended) A method according to claim 39 wherein said first rail comprises a first edge and said second rail comprises a second edge, said first edge and said second edge are generally opposed, and said first edge and said second edge [the rails comprise generally opposed edges for] contact[ing] the elongate member when inserted therebetween.

41. (Currently Amended) A method according to claim 40 further [characterized by] comprising forming at least one depression [formed] in at least one of said rails along [the] said opposed edges [in each of the rails].

42. (Currently Amended) A method according to claim [41] 40 further comprising [wherein the] forming at least one depression[s] along said first edge of said first rail; and forming at least one depression along said second edge of said second rail, wherein said depressions formed along said first edge and said second edge [formed along the opposed edges in each of the rails] are generally aligned, thereby restricting movement of the elongate member when [disposed therein] the lower end thereof is disposed between said rails.

---

**TESTA, HURWITZ & THIBEAULT, LLP**

---

ATTORNEYS AT LAW

HIGH STREET TOWER

125 HIGH STREET

BOSTON, MASSACHUSETTS 02110

OFFICE (617) 248-7000

FAX (617) 248-7100

**TELECOPY COVER SHEET**

---

*Equipment Operator Contact Number: 781-2867286 Please call if you do not receive all the pages.*

---

**Date:** March 31, 2003**TO:** Name: Examiner Jennifer E. Novosad  
Art Unit 3634**Company:** United States Patent and Trademark Office**Address:** Commissioner for Patent  
Washington, DC 20231**Telephone:** 703-305-2872**Fax:** 703-305-3597**FROM:** Sender: Christopher W. Stamos**Number of Pages INCLUDING This Cover Sheet:** 11**Client:** RNS-001 (7400/4)**APPLICANT:** Spann**SERIAL NUMBER:** 09/757,255**ART UNIT:** 3634**FILING DATE:** January 9, 2001 **EXAMINER:** J. E. Novosad**TITLE:** DUAL RAIL TOOL HOLDER

This facsimile is subject to attorney-client privilege and contains confidential information intended only for the person(s) named above. If you have received this facsimile in error, please notify us immediately by telephone and destroy the original transmission without making a copy.

2558520

---

**Sent by** \_\_\_\_\_ **Date Sent** \_\_\_\_\_ **Time Sent** \_\_\_\_\_

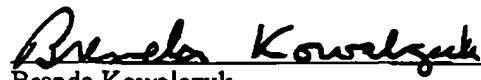
**PATENT**  
Attorney Docket No. RNS-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR: Spann  
SERIAL NUMBER 09/757,255 ART UNIT: 3634  
FILING DATE: January 9, 2001 EXAMINER: J.E. Novosad  
TITLE: DUAL RAIL TOOL HOLDER

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, and any document(s) referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile No. (703) 305-3597 on this 31<sup>st</sup> day of March, 2003.

  
Brenda Kowalcuk

Commissioner for Patents  
Group Art Unit 3634  
Washington, D.C. 20231

Attached hereto are:

Telecopy Cover Sheet (1 pg.);  
Transmittal Form (1 pg.); and  
Amendment and Response (8 pgs.)

2602024

# TRANSMITTAL FORM

Application Serial Number	09/757,255
Filing Date	January 9, 2001
First Named Inventor	Spann
Group Art Unit	3634
Examiner Name	J. E. Novosad
Attorney Docket No.	RNS-001
Patent No.	Not applicable
Issue Date	Not applicable

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"> <li><input type="checkbox"/> Formal Drawing(s)</li> </ul>	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <ul style="list-style-type: none"> <li><input type="checkbox"/> Appeal Brief (in triplicate)</li> </ul>
<input checked="" type="checkbox"/> Amendment and Response <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]</li> </ul>	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <ul style="list-style-type: none"> <li><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)</li> </ul>	<input type="checkbox"/> Status Inquiry <ul style="list-style-type: none"> <li><input type="checkbox"/> Return Receipt Postcard</li> </ul>
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Terminal Disclaimer <ul style="list-style-type: none"> <li><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application</li> </ul>	<input checked="" type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)</li> </ul>
<input type="checkbox"/> Information Disclosure Statement <ul style="list-style-type: none"> <li><input type="checkbox"/> Form PTO-1449</li> <li><input type="checkbox"/> Copies of IDS Citations</li> </ul>	<input type="checkbox"/> Small Entity Statement <ul style="list-style-type: none"> <li><input type="checkbox"/> CD(s) for large table or computer program</li> </ul>	<input type="checkbox"/> Telecopy Cover Sheet (1 page)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance <ul style="list-style-type: none"> <li><input type="checkbox"/> Request for Certificate of Correction</li> </ul>	
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <li><input type="checkbox"/> Paper Copy/CD</li> <li><input type="checkbox"/> Computer Readable Copy</li> <li><input type="checkbox"/> Statement verifying identity of above</li> </ul>	<input type="checkbox"/> Certificate of Correction (in duplicate)	

**CORRESPONDENCE ADDRESS**

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Respectfully submitted,

  
 Christopher W. Stamos  
 Attorney for Applicant  
 Testa, Hurwitz & Thibeault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110